

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**FEB 20 2019**

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

v.

CHARLES ORANGE

No. 6:19-CR-04  
JUDGE RWS/KNM

BY  
DEPUTY \_\_\_\_\_

**FIRST SUPERSEDING INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**Count One**

Violation: 18 U.S.C. §§  
2252A(a)(5)(B) and (b)(2)  
(Possession of Child Pornography)

On or about December 20, 2018, in the Eastern District of Texas, **Charles Orange**, defendant, did knowingly possess material, namely, a Samsung Galaxy Grand Prime cellular phone, model G530T and bearing IMEI number 359128060553191, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), involving a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer. Included among the images that the defendant, **Charles Orange**, possessed were the following:

FILE NAME	DESCRIPTION
1545312204686.jpg	This image depicts a nude, prepubescent male performing oral sex on an adult male.
1545312204791.jpg	This image depicts a nude male lying prone while a nude, prepubescent male is positioned above, holding the prone male's erect penis with his fingers and performing oral sex.
1545312197962.jpg	This image depicts a nude, prepubescent male laying prone with his legs lifted up as an erect male's penis penetrates his anus.
1545312193082.jpg	This image depicts a nude prepubescent male sitting on a short wall outdoors with his legs spread to expose his genitals, which are the focus of the image.
DSCN0022.jpg	This image depicts a nude, prepubescent male seated with his legs pulled up and knees spread apart to expose his genitals and anus to the camera, which are the focus of the image.

In violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2).

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

**Pursuant to 18 U.S.C. § 2253**

1. The allegations contained in Count 1 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253.

2. Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. § 2252A, the defendant, **Charles Orange**, shall forfeit to the United States of America:

- a. Any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

The property to be forfeited includes, but is not limited to, the following:

A Samsung Galaxy Grand Prime cellular phone, model G530T and bearing IMEI number 359128060553191.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

4. By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 2253.

All pursuant to 18 U.S.C. § 2253 and the procedures set forth at 21 U.S.C. § 853, as made applicable through 18 U.S.C. § 2253(b).

A TRUE BILL

M.F.  
GRAND JURY FOREPERSON

02/20/19  
Date

JOSEPH D. BROWN  
UNITED STATES ATTORNEY

  
NATHANIEL C. KUMMERFELD  
ASSISTANT UNITED STATES ATTORNEY

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**NOTICE OF PENALTY**

**Count One**

Violation: 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2)

Penalty: Imprisonment for not more than ten years; but if any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be imprisoned for not more than twenty years; and, if the defendant has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography or sex trafficking of children, such person shall be imprisoned for not less than ten years and not more than twenty years; a fine of not more than \$250,000; and a term of supervised release of not less than five years to life.

Special Assessment: \$100.00